

1 KAMALA D. HARRIS
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General

3 BRETT A. KINGSBURY
Deputy Attorney General
4 State Bar No. 243744
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1192
6 Facsimile: (415) 703-5480
Attorneys for Complainant

7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013 - 226*

13 **EVELYN NKEMAKOLAM NWANSI**
14 **P.O. Box 1556**
15 **El Cerrito, CA 94530**

A C C U S A T I O N

16 **Registered Nurse License No. 757380**
17 **Public Health Nurse Certificate No. 76443**

18 Respondent.

19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about August 10, 2009, the Board of Registered Nursing issued Registered
25 Nurse License Number 757380 to Evelyn Nkemakolam Nwansi (Respondent). The Registered
26 Nurse License was in full force and effect at all times relevant to the charges brought herein and
27 will expire on August 31, 2013, unless renewed.

28 3. On or about November 9, 2009, the Board of Registered Nursing issued Public Health
Nurse Certificate Number 76443 to Evelyn Nkemakolam Nwansi. The Public Health Nurse

1 Certificate was in full force and effect at all times relevant to the charges brought herein and will
2 expire on August 31, 2013, unless renewed.

3 JURISDICTION, STATUTORY, & REGULATORY PROVISIONS

4 4. This Accusation is brought before the Board of Registered Nursing (Board),
5 Department of Consumer Affairs, under the authority of the following laws. All section
6 references are to the Business and Professions Code unless otherwise indicated.

7 5. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part,
8 that the Board may discipline any licensee, including a licensee holding a temporary or an
9 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
10 Nursing Practice Act.

11 6. Section 2764 of the Code provides, in pertinent part, that the expiration of a license
12 shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
13 licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the
14 Code, the Board may renew an expired license at any time within eight years after the expiration.

15 7. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
16 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
17 disciplinary action during the period within which the license may be renewed, restored, reissued
18 or reinstated.

19 8. Section 2761 of the Code states:

20 "The board may take disciplinary action against a certified or licensed nurse or deny an
21 application for a certificate or license for any of the following:

22 "....

23 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
24 functions, and duties of a registered nurse, in which event the record of the conviction shall be
25 conclusive evidence thereof.

26 "...."

27 9. Section 490 of the Code provides, in pertinent part, that a board may suspend or
28 revoke a license on the ground that the licensee has been convicted of a crime substantially

1 related to the qualifications, functions, or duties of the business or profession for which the
2 license was issued.

3 10. Section 1444(c) of title 16, California Code of Regulations provides:

4 "A conviction or act shall be considered to be substantially related to the qualifications,
5 functions or duties of a registered nurse if to a substantial degree it evidences the present or
6 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
7 safety, or welfare. Such convictions or acts shall include but not be limited to the following:

8 "(a) Assaultive or abusive conduct including, but not limited to, those violations listed in
9 subdivision (d) of Penal Code Section 11160.

10 "(b) Failure to comply with any mandatory reporting requirements.

11 "(c) Theft, dishonesty, fraud, or deceit.

12 "(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the
13 Penal Code."

14 11. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
15 administrative law judge to direct a licensee found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case.

18 CAUSE FOR DISCIPLINE

19 (Criminal Conviction)


20 12. Respondent is subject to disciplinary action under sections 490 and 2761(f) of the
21 Code in that Respondent was convicted of a felony substantially related to the duties, functions,
22 or qualifications of a registered nurse. The circumstances were that on or around February 27,
23 2012, in the Superior Court of California for the County of Contra Costa, case number 5-111483-
24 4, Respondent pled no contest to and was convicted of three counts of violating Penal Code
25 section 550(b)(1)(insurance fraud — presenting false statement for payment), a felony. The
26 circumstances were that Respondent presented or assisted in presenting statements containing
27 false information to various insurance companies. Respondent was sentenced to 365 days
28 imprisonment, three years probation, fines, and restitution in the total amount of \$38,803.91.

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

- 4 1. Revoking or suspending Registered Nurse License Number 757380, issued to Evelyn
5 Nkemakolam Nwansi;
- 6 2. Revoking or suspending Public Health Nurse Certificate Number 76443, issued to
7 Evelyn Nkemakolam Nwansi;
- 8 3. Ordering Evelyn Nkemakolam Nwansi to pay the Board of Registered Nursing the
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10 Professions Code section 125.3;
- 11 4. Taking such other and further action as deemed necessary and proper.
- 12

13 DATED: OCTOBER 01, 2012

14 *for*  LOUISE R. BAILEY, M.ED., RN
15 Executive Officer
16 Board of Registered Nursing
17 Department of Consumer Affairs
18 State of California
19 Complainant

20 SF2012402304

21

22

23

24

25

26

27

28